HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.NO. 23208 OF 2007

DATED: 2.11.2007

Between:

Ande Sai Babu

… Petitioner

and

The District Collector, (Civil Supplies Wing)
Guntur District and others

… Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.NO. 23208 OF 2007

ORAL ORDER:

The matter is coming up for admission. The learned Assistant Government Pleader for Civil Supplies takes notice.

The writ petition is filed for a writ of Mandamus to direct the respondents not to implement the proceedings R.C.No.2045/07-K dated 21.9.2007 issued by the RDO, Tenali by declaring the same as illegal, void and without jurisdiction by setting aside the same by permitting the petitioner to continue his business as usual pending the appeal before 1st respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

The order of the 2nd respondent dated 21.9.2007 is said to have been made in pursuance of a news item. The relevant portion reads as under:

> ***"On a perusal of the report of the Tahsildar, Nagaram and connected records it is observed that a prima facie irregularity was established against Sri Ande Sai Babu, F.P. Shop Dealer, Nagaram.***
>
> ***In the above circumstances and in exercise of the power conferred under APPDS Control Order, 2001, I hereby suspended the authorization held by Sri Ande Sai Babu, F.P.***

Shop Dealer, Nagaram Village and Mandal with immediate effect pending further enquiry in the matter."

It is stated that even while making the impugned order, the procedure had not been followed. It is also stated that an appeal had been preferred and the same is said to be pending before the 1st respondent and no interim orders have been made by the 1st respondent.

In view of the facts and circumstances, the 1st respondent is directed to dispose of the appeal within a period of four weeks from the date of receipt of a copy of this order and also in the light of the nature of the order, which was brought to the notice of this court dated 21.9.2007, interim suspension of the said proceeding to be operative till the disposal of the appeal before the 1st respondent.

The writ petition is disposed of. There shall be no order as to costs.

P.S. NARAYANA, J

Date: 2.11.2007

NOTE: OPERATIVE PORTION BY WIRE
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